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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,647	06/26/2006	Lionel Oisel	PF040009	5015

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EXAMINER	
WONG, LESLIE	

ART UNIT	PAPER NUMBER
2164	

NOTIFICATION DATE	DELIVERY MODE
10/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

carterlaw@cox.net

Office Action Summary	Application No.	Applicant(s)	
	10/584,647	OISEL ET AL.	
	Examiner	Art Unit	
	LESLIE WONG	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 August 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *6/26/2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schlack; John A. et al. ("Schlack") (US 7260823 B2)** as applied to claims 1 and 8 in view of **Jeannin; Sylvie et al.(" Jeannin")** (US 7333712 B2).

Regarding claims 1 and 8, **Schlack** teaches a device and method for device and method for creating summaries of multimedia documents comprising:

A storage that stores multimedia documents (Fig. 2A, elements 214 and 216),

A viewing unit that enables a user to view a multimedia document stored on said storage (col. 27, lines 44-49),

A weighting module that automatically assigns a weight to each multimedia document stored on said storage according to a frequency with which the stored multimedia documents are viewed by the user (col. 31, lines 57-64; col. 17, lines 40-42, col. 21, lines 31-52; (total amt of time in minutes and click frequency); col. 22, lines 35-44; col. 29, lines 17-27; col. 30, lines 1-4; col. 32, lines 49-65 and Fig. 24),

A summary creation module that creates a summary of the multimedia documents stored on said storage according to the weight assigned to each multimedia document (col. 19, lines 4-16 and Fig. 16 and Fig. 24)

Schlack does not explicitly teach wherein each summary summarizes contents of a multimedia document.

Jeannin however, teaches **each summary summarizes contents of a multimedia document** as weights are assigned … a particular scene of the video source in the initial visual summary (col. 4, lines 9-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Schlack's** teaching would have allowed **Jeannin's** to facilitate the process of viewing the preferred programs by creating a summary of video contents, extracting the keyframes, and assigning weights to a group of keyframes which represent a particular scene from the video source.

Regarding claim 2, **Schlack** further teaches said summary creation module creates a summary of the multimedia documents stored on said storage for which the weight assigned to each multimedia document is greater than a predefined threshold (col. 26, lines 64-66).

Regarding claim 3, **Schlack** further teaches wherein each multimedia document having a type relating to the content of the document, said weighting module assigns a weight to each multimedia document according to type of document (e.g., program categories) (Fig. 16, element 1610 and Fig. 24).

Regarding claim 4, **Schlack** does not explicitly teach wherein said device additionally divides each multimedia document into scenes and said weighting module additionally assigns a weight to each scene of the multimedia document.

Jeannin, however, teaches wherein said summary creation module adapts a duration of the summary according to the weight assigned to each multimedia document and to each scene of the multimedia documents (col. 4, lines 9-18).

Regarding claim 5, **Jeannin** further teaches wherein said summary creation module creates a summary of the multimedia documents stored on said storage according to the weight assigned to each scene in the multimedia document (col. 4, lines 9-18).

Regarding claim 6, **Jeannin** further teaches wherein said summary creation module adapts a duration of the summary according to the weight assigned to each multimedia document (col. 4, lines 9-18).

Regarding claim 7, **Schlack** further teaches wherein said storage additionally stores the summaries (col. 12, lines 1-7).

Regarding claim 9, **Schlack** does not explicitly teach wherein said summary creation module adapts a duration of the summary according to the weight assigned to each multimedia document and to each scene of the multimedia documents.

Jeannin, however, teaches wherein said summary creation module adapts a duration of the summary according to the weight assigned to each multimedia document and to each scene of the multimedia documents (col. 4, lines 9-18).

Response to Arguments

Applicant's arguments filed 08/03/2011 have been fully considered but they are not persuasive.

Applicant argues that Schlack fails to disclose or suggest, *inter alia,* the feature of creating summaries of multimedia documents in an automatic manner as claimed.

In response to the preceding arguments, Examiner respectfully submits that Schlack teaches the limitation "creating summaries of multimedia documents" as the program title of Fig. 24 shows a summary of the top 20 programs stored in the device that have received lots of viewings (col. 22, lines 30-44; col. 31, lines 40-41; 57-62 and Fig. 24).

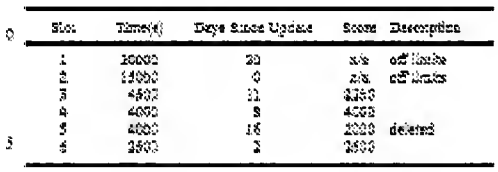
In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **an automatic manner**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant further argues that Schlack also fails to disclose or suggest, *inter alia,* the feature of creating summaries of multimedia documents according to a weight assigned to each multimedia document, as claimed.

In response to the preceding arguments, Examiner respectfully submits that Schlack teaches the limitation "creating summaries of the multimedia documents according to the weighting assigned to each scene in said multimedia documents" as the VCPS tracks the total time that each program is viewed (e.g., holding factor profile). For each program title, a holding factor along with the view duration and dwell time (in seconds) for a sample household is illustrated. Assuming a household watches channel

A for 20 minutes, then returns to channel A for 20 minutes... the holding factor for the program on channel A is 40/60=66.7%. The prior art further teaches that session data is saved and matched to a signature...the session and existing signatures are SCORED based on viewing time and access frequency. The program title of Fig. 24 shows a summary of the top 20 programs stored in the device that have received lots of viewings (col. 22, lines 30-44; col. 31, lines 40-41; 57-62 and Fig. 24).

The following table shows six signature bins and a total viewing time of 60,000 seconds. The two signature bins meet the viewing time are marked off limits (col. 32, lines 49-65)



Based on the above, it is submitted that Schlack teaches the limitation as claimed.

Applicant further argues that neither Schlack nor Jeannin discloses the use of a user profile to create summaries of multimedia documents. When combining Schlack with Jeannin, a person skilled in the art is not taught to create a video summary of viewed content according to the way the user looks at the content. When combining

Schlack with Jeannin, nothing suggests the desirability of observing user preferences to create video summaries according to a user profile, and especially nothing suggests the desirability of "a summary creation module that creates a summary of the multimedia documents stored on said storage according to the weight assigned to each multimedia document", as recited for example by independent claim 1. There is no link between Jeannin and Schlack which could lead to the combination of features provided by independent claims 1 and 8. Therefore, even if the teachings of Schlack and Jeannin are combined, as proposed, the resulting combination still does not disclose or suggest each and every feature of independent claims 1 and 8 (and dependent claims 2-7 and 9).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the use of a **user profile** to create summaries of multimedia documents) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Schlack teaches profiling and identification of television viewers. The profiles are comprised of profile categories, including the categories of preferred programs, preferred networks, viewing duration, channel change frequency etc... and automatic session detection uses channel change and other information to dynamically determine which viewer is watching television at any given time ... combining current session data with historical data for those viewers. The historical data is an aggregation of session data for a particular viewer or type of viewer, and reflects a set of viewing and interactivity habits (col. 6, lines 44-48; col. 7, lines 10-19).

Jeannin, on the other hand, teaches automatic creation of a visual summary of video content includes personal TV recorders and agent technologies which operate by using Electronic Programming Guides and storing user preferences. These devices have the ability to store hundreds of hours of video content, so as to facilitate the process of viewing the preferred programs (col. 1, lines 55-62). Jeannin further teaches assigning the weights based on a relative time each of the keyframes in the particular group represents of the particular scene from the video source and filtering of the keyframes represent less than a predetermined threshold of time in the particular scene of the video source. The visual summary from the total set of frames can be several

variations including tailoring the content to specific fast forward/rewind speeds (col. 2, lines 30-41 and 56-58).

As can be seen from the above, both prior arts teach viewer profiling for television broadcast and videos. Schlack teaches tracking viewer's historical data and Jeannin teaches using keyframes of a video to summarize its content based on the pre-determined weight from the source (col. 4, lines 12-25). Both prior arts are in the same field of endeavor and are relevant with the claimed invention. As such, combining Schlack and Jeannin's teaching would have arrived at the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESLIE WONG whose telephone number is (571)272-4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES RONES can be reached on (571)272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LW
October 19, 2011

/Leslie Wong/
Primary Examiner, Art Unit 2164